



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : DIXON, Deborah A. (deceased)
Serial No. : 10/041,752
Filing Date : January 7, 2002
Title : SYSTEM AND METHOD FOR ASSET ACCUMULATION AND
RISK MANAGEMENT
Art Unit : 2166

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PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02

It is respectfully requested that the above-captioned application be advanced out of turn for expedited examination and issuance, under the Special Examining Procedure set forth in M.P.E.P. § 708.02, Subsection VIII. A check in the amount of \$130.00 covering the petition fee set forth in 37 C.F.R. § 1.17(h) is submitted herewith, per M.P.E.P. § 708.02, Subsection VIII(A).

Per M.P.E.P. § 708.02, Subsection VIII(B), it is respectfully submitted that all of pending claims 12-34 originally filed with the above-captioned application are directed to a single invention. (Claims 1-12 have been cancelled in a Preliminary Amendment filed simultaneously with this Petition.) The two independent claims (claims 13 and 29) are each directed to a computer-implemented method for managing an integrated financial product designed to manage a consumer's unemployment risk and promote good savings behavior. Claim 13 recites dynamically adjusting the allocation between a first portion and a second portion in response at least in part to one or more changes in employment data. Claim 20, indirectly dependent on claim 13, recites the

feature of rewarding the consumer in reaction to the consumer maintaining healthy financial practices. This feature of rewarding the consumer by changing terms of the integrated financial product in reaction to the consumer maintaining healthy financial practices is also recited in independent claim 29.

Per M.P.E.P. § 708.02, Subsections VIII(C) and VIII(D), it is respectfully submitted that a search was conducted on or about September 24, 2002 by the United States Patent and Trademark Office as International Searching Authority in counterpart PCT Application No. PCT/US02/00475. The documents cited in the International Search Report were listed in, and copies thereof enclosed with, the Information Disclosure Statement filed on or about January 7, 2003. A further pre-examination search was conducted on behalf of applicant in or around April 2003, in the U.S. Patent and Trademark Office online databases for post-1976 U.S. Patents, and U.S. Patent Applications published since March 15, 2001, using the following combinations of search terms “risk and management”, “defined and benefit”, “custom\$ and risk”, “benefit and contribution”, “defin\$ and contribution”, “defin\$ and insurance”, “savings and insurance”, “unemployment and savings”, “unemployment and sav\$”, “dynamic and adjust\$ and account\$”, “unemployment and insurance” and “unemployment and defined”. The seven patent and three published patent applications discovered in this further search were cited in, and copies thereof enclosed with, the Information Disclosure Statement filed on or about May 12, 2003.

Per M.P.E.P. § 708.02, Subsection VIII(E), in support of the Petition to Make Special, the following detailed discussion points out with the particularity required by 37 C.F.R. § 1.111(b) and (c) the distinctions reflecting, *inter alia*, how the claimed subject matter is patentable over the references provided in the Information Disclosure Statements deemed most closely related

to the claimed subject matter. None of the references provided in the Information Disclosure Statements disclose or suggest the methods represented in the pending claims 13-24.

Seven United States Patents that generally relate to methods of asset accumulation were identified in connection with the pre-examination search conducted by applicants discussed above. Specifically, U.S. Patent No. 5,864,828, "Personal Financial Management System for Creation of a Client Portfolio of Investment and Credit Facilities Where Funds are Distributed Based on a Preferred Allocation"; U.S. Patent No. 5,884,285, entitled "System For Managing Financial Accounts By Reallocating Funds Among Accounts"; U.S. Patent No. 5,911,135, entitled "System For Managing Financial Accounts By A Priority Allocation of Funds Among Accounts"; U.S. Patent No. 5,911,136, entitled "System For Prioritizing Operation of a Personal Financial Account Comprising Liabilities and Investment Assets"; U.S. Patent No. 5,933,815, entitled "Computerized Method and System for Providing Guaranteed Lifetime Income with Liquidity"; U.S. Patent No. 6,235,176, entitled "Computer Apparatus and Method for Defined Contribution and Profit Sharing Pension and Disability Plan"; and U.S. Patent No. 6,513,020, entitled "Proxy Asset Data Processor" were identified in the Search. None of these patents are believed to be closely related to the subject matter of claims 13-34.

Three Published United States Patent Applications that generally relate to methods of asset accumulation were identified in connection with the pre-examination search conducted by applicants discussed above. Specifically, United States Patent Application Publication No. US2002/013751, entitled "Automated System for Managing a Non-Qualified Deferred Compensation Plan"; U.S. Patent Application Publication No.: 2003/0028466, entitled "System and Method for Providing Financial Planning and Advice"; and U.S. Patent Application Publication No. 2002/0198802, entitled "System and Method for Creating a Defined Benefit Pension Plan

Funded With a Variable Life Insurance Policy and/or a Variable Annuity Policy” were discovered in the Search. None of these published patent application are believed to be closely related to the subject matter of claims 13-34.

Two United States patents were identified in the search conducted by the United States Patent and Trademark Office as International Searching Authority in counterpart PCT Application No. PCT/US02/00475. Specifically, U.S. Patent No. 6,332,125, entitled “Providing Termination Benefits for Employees” and U.S. Patent No. 5,812,987, entitled “Investment Fund Management Method and System with Dynamic Risk Adjusted Allocation of Assets.” U.S. Patent No. 6,332,125 was indicated in the International Search Report to be relevant only to claims 1-5. However, claims 1-12 have been cancelled and U.S. Patent No. 6,332,125 is not closely related to the subject matter of remaining claims 13-34.

U.S. Patent No. 5,812,987 is deemed to be most closely related to the subject matter of pending claims 13-34. It describes a method for allocating investment assets to a plurality of different funds. More particularly, the investment mix is strategically adjusted at periodic intervals in accordance with criteria, such as a risk value, that are related to the time horizon at which cash may need to be withdrawn. A risk value decreases as the fund approaches the time horizon. See, for example, column 2, lines 28-47.

Regarding independent claim 13, U.S. Patent No. 5,812,297 does not disclose or suggest, among other things, the step of dynamically adjusting the allocation between funds allocated to a defined unemployment insurance vehicle and a defined savings contribution vehicle in response at least partially on one or more changes in employment data. Although funds are allocated in the ‘297 patent, they are allocated among different equity or fixed income funds. See, for example, Table I in column 8. Claim 13 recites that the funds be allocated between a defined


unemployment insurance vehicle and a savings vehicle. Furthermore, in the '297 patent, the funds are reallocated at periodic intervals according to stated criteria existing at the time of readjustment. On the other hand, claim 13 states that the allocation is adjusted due to changes in employment data, and that the adjustment is dynamic and in response to the changes in employment data.

Regarding independent claim 29 (and dependent claim 20), U.S. Patent No. 5,812,297 fails to disclose or suggest, among other things, a method of managing an integrated financial product to manage a consumer's unemployment risk that includes the step of rewarding the consumer by changing terms of the integrated financial product in reaction to the consumer maintaining healthy financial practices. In the '297 patent, the funds are reallocated at periodic intervals according to stated criteria existing at the time of readjustment, such as the length of time remaining to the time horizon, rather than the consumer maintaining healthy financial practices.

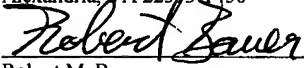
Entry and favorable consideration of the present Petition to Make Special of the
above-captioned application are respectfully requested.

Respectfully submitted,

Dated: June 23, 2003


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Robert M. Bauer

June 23, 2003
Date